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Attorney Docket No. 26230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DIETRICH et al.

International Application No. PCT/EP03/01650

Serial No. 10/505,138 ✓

International Filing Date: 19 February 2003 (19.02.2003)

Filed: August 19, 2004

For: ORAL DOSAGE FORM CONTAINING A PDE 4 INHIBITOR AS AN ACTIVE  
INGREDIENT AND POLYVINYLPIRROLIDON AS EXCIPIENT

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark  
Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 citing 17 references;
- (4) Copies of 11 references.

The Commissioner is hereby authorized to charge any deficiency  
or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By: 

Gary M. Nath  
Registration No. 26,965  
Sheldon M. McGee  
Registration No. 50,454  
Customer No. 34375

Date: October 22, 2004  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
GMN/SMM/ng/:IDS\_TR

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [ X ] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- [ ] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
- [ ] ii. a check in the amount required by 37 C.F.R. § 1.17(p).
- [ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.
- [ ] Certification report(e) below; and
- [ ] a check in the amount as required by § 1.17(p).
- [ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

- ☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked]
- ☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
- or
- ☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- or
- ☐ Appropriate certification is attached.
- ☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.
- ☒ g. Copies of the documents are attached herewith with a completed Form PTO-1449.
- or
- ☒ Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
NATH & ASSOCIATES

By: 

Gary M. Nath  
Registration No. 26,965  
Sheldon M. McGee  
Registration No. 50,454  
Customer No. 34375

Date: 10/22, 2004

<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION</b>	Atty Docket 26230	Serial No. 10/505,138
	Applicant DIETRICH et al.	
	Filing Date August 19, 2004	Group Art Unit Not Yet Assigned

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	5,286,494	02.15.94	Fechner et al.			06.17.91
	AB	5,340,827	08.23.94	Beeley et al.			06.14.93
	AC	5,972,381	10.26.99	Sangekar et al.			06.25.97
	AD	6,218,400	04.17.01	Daugan et al.			08.24.99
	AE	6,348,602	02.19.02	Fowler et al.			11.17.00
	AF	6,677,362	01.13.04	Ghebre-Sellassie et al.			03.28.94
	AG						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation
	AH						
	AI	EP 1 120 120 A1	01.08.01	EP			N/A
	AJ	WO 00/50011	31.08.00	WIPO			N/A
	AK	WO 01/08686 A1	08.02.01	WIPO			N/A
	AL	WO 01/32165 A1	10.05.01	WIPO			N/A
	AM	WO 02/45693 A1	13.06.02	WIPO			N/A
	AN	WO 95/01338	12.01.95	WIPO			N/A
	AO	WO 00/35428	22.06.00	WIPO			ABSTRACT
	AP	EP 0 617 612 B1	05.10.94	WIPO			N/A

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AQ	Meyer, H.C. "Charakterisierung und Beeinflussung der Lösungseigenschaften von 6-BROMCIP", Dissertation, pp. 154-189, 1995.
	AR	Yliruusi, J.K. et al. "A new method to evaluate the elastic behavior of tablets during compression", <u>Drug Dev. Ind. Pharm.</u> , vol.23(1) pp.63-68, 1997. ABSTRACT
	AS	Zelko, R. et al. "Effects of storage conditions on the free volume of polyvinylpyrrolidone: comparison of positron lifetime data with tensile strength of tablet", <u>Pharm.Res.</u> , vol.17(8) 1030-1032, 2000. ABSTRACT

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609.  
 Draw line through citation if not in conformance and not considered.  
 Include copy of this form with next communication to Applicant.